

REMARKS

This amendment is responsive to the Office Action mailed July 26, 2007. Claims 125-145 and 197-212 were pending and under consideration. In particular, claims 142-145 and 197-212 were allowed, claims 125, 126, and 129-141 were rejected, and claims 127 and 128 were objected to.

In the present paper, claims 125-128, 139, 140, 142-144, 197, 198, and 209-211 are amended, new claims 216-240 are presented for consideration and no claims are cancelled. Thus, following entry of the present amendment to the claims 125-145, 197-212, and 216-240 are pending and under consideration.

Applicants note with appreciation the PTO's withdrawal of the finality of the previous Office Action and kindly thank the PTO for the same. Applicants further kindly thank the PTO for indicating the allowability of claims 142-145 and 197-212.

Applicants kindly thank the Examiner for the courtesy extended in the interview conducted on October 4, 2007. The interview summary prepared by the Patent Office on October 4, 2007, accurately reflects the substance of the interview.

I. The Amendments to the Claims

In the present paper, claims 125-128, 139, 140, 142-144, 197, 198, and 209-211 are amended and new claims 216-240 are presented for consideration. As the amendments to the claims and the new claims are fully supported by the application as filed, no new matter is presented by the present amendment to the claims. Applicants note that the amendments to, for example, claims 127, 128, 139, 140, 142-144, and 209-211 clarify that which applicants have always regarded as their invention.

Specific support for the amendment to claim 125 may be found, for example, in the specification at page 31, lines 9-15, at page 44, lines 7-12, and in claims 21, 23, and 125 as filed. Specific support for the amendment to claim 126 may be found, for example, in the specification at page 31, lines 9-15, and in claims 21, 23, 24, and 126 as filed. Specific support for the amendment to claim 127 may be found, for example, in claims 25 and 127 as filed. Specific support for the amendment to claim 128 may be found, for example, in claims 25 and 128 as filed.

Specific support for the amendments to claims 139, 143, and 210 may be found, for example, in claims 139, 143, and 210 as filed and in the specification at page 44, lines 7-12. Specific support for the amendments to claims 140, 144, and 211 may be found, for example, in claims 140, 144, and 211 as filed and in the specification at page 45, lines 1-5.

Specific support for the amendment to claim 142 may be found, for example, in the specification at page 44, lines 7-12, in Example 29 and claim 142 as filed. Support for the amendment to claim 197 may be found, for example, in the specification at page 44, lines 7-12 and in claims 99 and 197 as filed. Support for the amendment to claim 198 may be found, for example, in claims 99, 100, and 198 as filed. Support for the amendment to claim 209 may be found, for example, in the specification at page 36, lines 14-17 and in claim 209 as filed.

Support for new claims 216 and 227 may be found, for example, in the specification at page 21, line 10. Support for new claims 217 and 228 may be found, for example, in the specification at page 21, lines 9-16 and in Example 29. Support for new claims 218 and 229 may be found, for example, in the specification at page 11, lines 23-25. Support for new claims 219 and 230 may be found, for example, in the specification at page 37, lines 11-17 and claim 9 as filed. Support for new claims 220 and 231 may be found, for example, in Example 29.

Support for new claims 221 and 233 may be found, for example, in the specification at page 247, lines 18-20. Support for new claims 222 and 234 may be found, for example, in the specification at page 252, lines 25-29. Support for new claims 223, 225, and 235 may be found, for example, in the specification at page 82, lines 12-16. Support for new claims 224, 226, and 236 may be found, for example, in the specification at page 83, lines 3-19. Support for new claim 232 may be found, for example, in the specification at page 49, lines 24-29 and at page 52, lines 3-5. Support for new claims 237-240 may be found, for example, in the specification at page 36, lines 17-19.

As the amendments to the claims and the new claims are fully supported by the application as filed, they present no new matter. Accordingly, entry of the present amendment to the claims is hereby respectfully requested under 37 C.F.R. § 1.111.

II. Priority

The Examiner alleges that the disclosure of the prior-filed Application No. 60/426,234 (the '234 application) fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. § 112 for one or more claims in the instant application. Specifically, the Examiner alleges that the '234 application does not provide support for SEQ ID NO: 247, or antisense oligonucleotides 14 to 30 nucleobases in length comprising at least 14 contiguous nucleotides of SEQ ID NO: 247. See Office Action at pages 2-3. The Examiner alleges that the instant application is entitled to benefit of priority to only International Patent Application No. PCT/US03/15493 (the '493 application), having a filing date of May 15, 2003. Applicants respectfully disagree.

Under 35 U.S.C. § 119(e), an application is entitled to benefit of an earlier-filed provisional application's filing date if, *inter alia*, the prior-filed provisional application discloses the claimed invention in the manner provided by 35 U.S.C. § 112. *See* 35 U.S.C. § 119(e) and 37 C.F.R. §§ 1.78(a)(4) through (a)(6). To comply with 35 U.S.C. § 112, an application must, *inter alia*, provide a written description of the claimed invention demonstrating the inventors' possession of the invention as claimed and must enable one skilled in the art to make and use the claimed invention. *See* 35 U.S.C. § 112, first paragraph and *New Railhead Mfg., L.L.C. v. Vermeer Mfg. Co.*, 63 USPQ2d 1843, 1846 (Fed. Cir. 2002).

As discussed above, the written description requirement of Section 112, first paragraph, requires that an application demonstrates the inventor's possession of the invention as claimed. *See Purdue Pharma L.P. v. Faulding, Inc.*, 56 USPQ2d 1481 (Fed. Cir. 2000). For a claim that defines a genus of compounds, such possession is shown by a description of a representative number of species within the genus. *See Enzo Biochem. v. Gen-Probe, Inc.*, 63 USPQ2d 1609 (Fed. Cir. 2002). A "representative number" of species is shown when one skilled in the art would recognize that the inventors were in possession of the necessary common attributes or features of the genus claimed. *See Regents of the University of California v. Eli Lilly & Co.*, 43 USPQ2d 1398 (Fed. Cir. 1997). However, each species encompassed within the genus need not be disclosed. *See, e.g., In re Bell*, 26 USPQ2d 1529 (Fed. Cir. 1993) and *In re Baird*, 29 USPQ2d 1550 (Fed. Cir. 1994).

With regard to written description of claimed ranges, an application need not describe the claimed range *in haec verba* to provide an adequate written description of the range. *See In re Wertheim*, 191 USPQ 90 (C.C.P.A. 1976) and *Ralston Purina Co v. Far-Mar-Co., Inc.*, 227 USPQ 177 (Fed. Cir. 1985). Rather, the written description analysis must take into account what one skilled in the art would consider inherently supported in the original disclosure. *See id.* For example, an application's description of a range of "25% to 60%" and "36%" is sufficient to support a claim reciting a range "between 35% and 60%." *See Wertheim*, 191 USPQ at 98.

Preliminarily, for the purposes of clarity, Applicants note that claim 125 as amended recites antisense oligonucleotides 12 to 30 nucleobases in length comprising at least 12 contiguous nucleobases of SEQ ID NO: 247. Claim 142 recites the sequence and chemistry of ISIS 301012. Claim 197 as amended recites antisense compounds 12 to 30 nucleobases in length that are fully complementary to SEQ ID NO: 3 and targeted to nucleotides 3230-3287 of SEQ ID NO: 3.

Applicants respectfully submit that the '234 application provides adequate written description support for the antisense compounds recited in the pending claims. At the outset, Applicants point out that the '234 application does, indeed, provide support for SEQ ID NO:247. In particular, numerous oligonucleotides having the nucleotide sequence set forth as SEQ ID NO:247 are presented in the Table shown from pages 124 to 137 of the '234 application. Several such oligonucleotides are identified in Table 1, below.

Moreover, in the '234 application, numerous representative species of antisense compounds that would lead one skilled in the art to recognize that the inventors were in possession of the claimed genres. In particular, the '234 application in the Table shown from pages 124 to 137 discloses numerous representative species of antisense compounds within the scope of, for example, claims 125, 142, and 197. Such representative species are identified in the Table by ISIS Number and Sequence.

Exemplary representative oligonucleotides disclosed in the Table of the '234 application are summarized in Tables 1 and 2, below. Table 1 presents representative oligonucleotides within the scope of, for example, claims 125 and 142, while Table 2 presents representative oligonucleotides within the scope of, for example, claim 197. For the PTO's convenience, the location of each oligonucleotide in the Table of the '234 application and the 5' binding site of each oligonucleotide as disclosed in the specification of the instant application in Tables 10 and 11 is also identified in Tables 1 and 2.

TABLE 1						
Isis No.	Sequence	5' Site on SEQ ID NO: 3	SEQ ID NO in '795	# Contiguous nucleobases of SEQ ID NO: 247	Page of '234	Row of Table of '234
308595	TCTGCTTCGCACCTTCTGCT	3242	291	13	130	25
308596	AGTCTGCTTCGCACCTTCTG	3244	292	15	121	9
308626	AGTCTGCTTCGCGCCTTCTG	3244	330	12	121	10
308661	AGTCTGCTTCGCGCCTTCTG	3244	319	12	121	11
308663	AGTCTGCTTCGCGCCTTCTG	3244	319	12	121	12
308597	TCAGTCTGCTTCGCACCTTC	3246	293	17	130	3
308627	TCAGTCTGCTTCGCGCCTTC	3246	331	14	130	4
308598	CCTCAGTCTGCTTCGCACCT	3248	294	19	124	4
308628	CCTCAGTCTGCTTCGCGCCT	3248	332	16	124	5
271009	GCCTCAGTCTGCTTCGCGCC	3249	319	17	127	6
299706	GCCTCAGTCTGCTTCGCGCC	3249	319	17	127	7
299708	GCCTCAGTCTGCTTCGCGCC	3249	319	17	127	8
301012	GCCTCAGTCTGCTTCGCACC	3249	247	20	126	26
308630	GCCTCAGTCTGCTTCGCGCC	3249	319	17	127	9
308632	GCCTCAGTCTGCTTCGCACC	3249	247	20	126	27
308633	GCCTCAGTCTGCTTCGCGCC	3249	319	17	127	10

TABLE 1						
Isis No.	Sequence	5' Site on SEQ ID NO: 3	SEQ ID NO in '795	# Contiguous nucleobases of SEQ ID NO: 247	Page of '234	Row of Table of '234
308635	GCCTCAGTCTGCTTCGCACC	3249	247	20	126	28
308636	GCCTCAGTCTGCTTCGCGCC	3249	319	17	127	11
308638	GCCTCAGTCTGCTTCGCACC	3249	247	20	126	29
308639	GCCTCAGTCTGCTTCGCGCC	3249	319	17	127	12
308641	GCCTCAGTCTGCTTCGCACC	3249	247	20	126	30
308642	GCCTCAGTCTGCTTCGCGCC	3249	319	17	127	13
308644	GCCTCAGTCTGCTTCGCACC	3249	247	20	126	31
308645	GCCTCAGTCTGCTTCGCGCC	3249	319	17	127	14
308647	GCCTCAGTCTGCTTCGCACC	3249	247	20	127	1
308648	GCCTCAGTCTGCTTCGCGCC	3249	319	17	127	15
308650	GCCTCAGTCTGCTTCGCACC	3249	247	20	127	2
308651	GCCTCAGTCTGCTTCGCGCC	3249	319	17	127	16
308653	GCCTCAGTCTGCTTCGCACC	3249	247	20	127	3
308654	GCCTCAGTCTGCTTCGCGCC	3249	319	17	127	17
308656	GCCTCAGTCTGCTTCGCACC	3249	247	20	127	4
308657	GCCTCAGTCTGCTTCGCGCC	3249	319	17	127	18
308659	GCCTCAGTCTGCTTCGCACC	3249	247	20	127	5
308599	AGCCTCAGTCTGCTTCGCAC	3250	295	19	120	15
308629	AGCCTCAGTCTGCTTCGCGC	3250	333	17	120	16
308600	GTAGCCTCAGTCTGCTTCGC	3252	296	17	128	21
308601	TGGTAGCCTCAGTCTGCTTC	3254	297	15	131	20
308660	TGGTAGCCTCAGTCTGCTTC	3254	514	15	131	21
308662	TGGTAGCCTCAGTCTGCTTC	3254	514	15	131	22
308602	CATGGTAGCCTCAGTCTGCT	3256	298	13	123	4

As shown in Table 1, the '234 application identifies numerous antisense oligonucleotides comprising at least 12 contiguous nucleobases selected from SEQ ID NO:247, including antisense oligonucleotides having at least 12, at least 13, at least 14, at least 15, at least 16, at least 17, at least 19 nucleobases, or all 20 nucleobases of SEQ ID NO: 247. For convenience, Table 1 explicitly identifies the number of contiguous nucleobases of SEQ ID NO:247 for each oligonucleotide. Applicants respectfully submit that such numerous antisense oligonucleotides provide a representative number of species demonstrating Applicants' possession of, for example, the genus defined by claim 125.

TABLE 2					
Isis No.	Sequence	5' Site on SEQ ID NO: 3	SEQ ID NO in '795	Page of '234	Row of Table of '234
308589	CTTCTGCTTGAGTTACAAAC	3230	285	125	17
308590	ACCTTCTGCTTGAGTTACAA	3232	286	119	28
308622	GCCTTCTGCTTGAGTTACAA	3232	326	127	19

TABLE 2					
Isis No.	Sequence	5' Site on SEQ ID NO: 3	SEQ ID NO in '795	Page of '234	Row of Table of '234
308591	GCACCTTCTGCTTGAGTTAC	3234	287	126	16
308623	GCGCCTTCTGCTTGAGTTAC	3234	327	127	21
308592	TCGCACCTTCTGCTTGAGTT	3236	288	130	16
308624	TCGCGCCTTCTGCTTGAGTT	3236	328	130	18
308593	CTTCGCACCTTCTGCTTGAG	3238	289	125	15
308625	CTTCGCGCCTTCTGCTTGAG	3238	329	125	16
308594	TGCTTCGCACCTTCTGCTTG	3240	290	131	14
308595	TCTGCTTCGCACCTTCTGCT	3242	291	130	25
308596	AGTCTGCTTCGCACCTTCTG	3244	292	121	9
308626	AGTCTGCTTCGCGCCTTCTG	3244	330	121	10
308661	AGTCTGCTTCGCGCCTTCTG	3244	319	121	11
308663	AGTCTGCTTCGCGCCTTCTG	3244	319	121	12
308597	TCAGTCTGCTTCGCACCTTC	3246	293	130	3
308627	TCAGTCTGCTTCGCGCCTTC	3246	331	130	4
308598	CCTCAGTCTGCTTCGCACCT	3248	294	124	4
308628	CCTCAGTCTGCTTCGCGCCT	3248	332	124	5
271009	GCCTCAGTCTGCTTCGCGCC	3249	319	127	6
299706	GCCTCAGTCTGCTTCGCGCC	3249	319	127	7
299708	GCCTCAGTCTGCTTCGCGCC	3249	319	127	8
301012	GCCTCAGTCTGCTTCGCACC	3249	247	126	26
308630	GCCTCAGTCTGCTTCGCGCC	3249	319	127	9
308632	GCCTCAGTCTGCTTCGCACC	3249	247	126	27
308633	GCCTCAGTCTGCTTCGCGCC	3249	319	127	10
308635	GCCTCAGTCTGCTTCGCACC	3249	247	126	28
308636	GCCTCAGTCTGCTTCGCGCC	3249	319	127	11
308638	GCCTCAGTCTGCTTCGCACC	3249	247	126	29
308639	GCCTCAGTCTGCTTCGCGCC	3249	319	127	12
308641	GCCTCAGTCTGCTTCGCACC	3249	247	126	30
308642	GCCTCAGTCTGCTTCGCGCC	3249	319	127	13
308644	GCCTCAGTCTGCTTCGCACC	3249	247	126	31
308645	GCCTCAGTCTGCTTCGCGCC	3249	319	127	14
308647	GCCTCAGTCTGCTTCGCACC	3249	247	127	1
308648	GCCTCAGTCTGCTTCGCGCC	3249	319	127	15
308650	GCCTCAGTCTGCTTCGCACC	3249	247	127	2
308651	GCCTCAGTCTGCTTCGCGCC	3249	319	127	16
308653	GCCTCAGTCTGCTTCGCACC	3249	247	127	3
308654	GCCTCAGTCTGCTTCGCGCC	3249	319	127	17
308656	GCCTCAGTCTGCTTCGCACC	3249	247	127	4
308657	GCCTCAGTCTGCTTCGCGCC	3249	319	127	18
308659	GCCTCAGTCTGCTTCGCACC	3249	247	127	5
308599	AGCCTCAGTCTGCTTCGCAC	3250	295	120	15
308629	AGCCTCAGTCTGCTTCGCGC	3250	333	120	16
308600	GTAGCCTCAGTCTGCTTCGC	3252	296	128	21
308601	TGGTAGCCTCAGTCTGCTTC	3254	297	131	20
308660	TGGTAGCCTCAGTCTGCTTC	3254	514	131	21
308662	TGGTAGCCTCAGTCTGCTTC	3254	514	131	22
308602	CATGGTAGCCTCAGTCTGCT	3256	298	123	4
308603	GTCATGGTAGCCTCAGTCTG	3258	299	128	26
308604	ATGTCATGGTAGCCTCAGTC	3260	300	121	26

TABLE 2					
Isis No.	Sequence	5' Site on SEQ ID NO: 3	SEQ ID NO in '234	Page of '234	Row of Table of '234
308605	GAATGTCATGGTAGCCTCAG	3262	301	125	24
308606	TTGAATGTCATGGTAGCCTC	3264	302	132	13
308607	ATTTGAATGTCATGGTAGCC	3266	303	122	5
308608	ATATTTGAATGTCATGGTAG	3268	304	121	20

Table 2 identifies numerous antisense oligonucleotides listed in the '234 application that are targeted to nucleotides 3230-3287 of SEQ ID NO: 3, as shown by the 5' target region of the oligonucleotides. Applicants therefore respectfully submit that such antisense oligonucleotides provide a representative number of species to demonstrate Applicants' possession of, for example, the genus defined by, for example, claim 197.

In addition, as discussed above, the Target Site on SEQ ID NO: 3 as illustrated in Tables 10 and 11 of the instant application, for each of these antisense compounds is further provided in Table 2. As discussed in the specification of the instant application, the Target Site identified in Tables 10 and 11 indicates the first (5'-most) nucleotide number of the target sequence, *i.e.*, SEQ ID NO: 3, to which the antisense compound binds. *See* the specification at page 143, lines 10-12 and at page 148, lines 3-6. Thus, the antisense compound with Isis No. 308589 is complementary to SEQ ID NO: 3 beginning at nucleotide 3230 of this sequence. The antisense compound with Isis No. 308608 is complementary to SEQ ID NO: 3 beginning at nucleotide 3268, and, because this antisense compound is 20 nucleobases in length, ending at nucleotide 3287. Accordingly, these antisense compounds define the end-points of the range of nucleotides of SEQ ID NO: 3 between nucleotides 3230-3287. As these compounds are described in the '234 application, Applicants respectfully submit that the '234 application satisfies the requirements of 35 U.S.C. § 112, first paragraph, with respect to the range of nucleotides 3230-3287.

Additional exemplary written description support in the '234 application for the presently claimed subject matter is shown below.

Exemplary support for an antisense oligonucleotide 12 to 30 nucleobases in length as recited by claims 125 and 197 may be found, for example, in the '234 application at page 14, lines 10-12. Exemplary support for an antisense oligonucleotide 12 to 20 nucleobases in length as recited by claims 126 and 198 may be found, for example, in the '234 application at page 14, lines 10-12 and in the Table at pages 124-137 which exemplifies many antisense oligonucleotides that are 20 nucleobases in length.

Exemplary support for claims 127 and 128 may be found, for example, in the description of ISIS 301012 in the Table at pages 124-137. Exemplary support for claims 129 and 200 may be found in claim 4 of the '234 application as filed. Exemplary support for claims 130 and 201 may be found in claim 5 of the '234 application as filed. Exemplary support for claims 131 and 202 may be found in claims 6 of the '234 application as filed.

Exemplary support for claims 132, 135, 203, and 206 may be found in claim 7 of the '234 application as filed. Exemplary support for claims 133, 136, 204, and 207 may be found, for example, at the Sugar ID Codes found on pages 138-141 and in the specification at page 18, lines 17-24. Exemplary support for claims 134 and 205 may be found, for example, in the oligonucleotides shown in Table 1, above, present in the Table at pages 124-137.

Exemplary support for claims 137, 138, 208, and 209 may be found in the '234 application's specification at page 19, lines 9-16. Exemplary support for claims 139, 143, and 210 may be found in the '234 application's specification at page 25, lines 7-16. Exemplary support for claims 140, 144, and 211 may be found in the '234 application's specification at page 25, lines 32-36. Exemplary support for claims 145 and 212 may be found in claim 12 as filed in the '234 application.

Exemplary support for claim 199 may be found, for example in claim 2 as filed in the '234 application. Exemplary support for claim 216 and 227 may be found, for example, in the Table at pages 124-137 of the '234 application showing numerous examples of antisense compounds 20 nucleobases in length. As shown in Table 1, above, many of such compounds comprise 12 nucleobases selected from SEQ ID NO: 247 and/or having full complementarity to nucleotides 3230-3287 of SEQ ID NO: 3. Exemplary support for claims 217 and 228 may be found, for example, in the Table at pages 124-137 of the '234 application showing numerous examples of compounds having each of the recited properties, including, for example, ISIS 301012. As shown in Table 1, above, many of such compounds comprise 12 nucleobases selected from SEQ ID NO: 247 and/or having full complementarity to nucleotides 3230-3287 of SEQ ID NO: 3.

Exemplary support for claims 218 and 229 may be found, for example, in claim 8 of the '234 application as filed. Exemplary support for claims 219, 220, 230, and 231 may be found, for example, in claims 8 and 9 of the '234 application as filed and the compounds exemplified in Table 1. Exemplary support for claims 221 and 233 may be found in the '234 application's specification at page 47, lines 3-21. Exemplary support for claims 222 and 234 may be found in the '234 application's specification at page 48, lines 1-3. Exemplary support

for claims 223-226, 235, and 236 may be found in the '234 application's specification at page 52, lines 20-27 and page 54, lines 1-3.

Exemplary support for claim 232 may be found in the '234 application's specification at page 28, lines 21-32 and page 31, lines 31-37.

For at least these reasons Applicants respectfully submit that the priority claim of the instant application complies with 35 U.S.C. § 119(e) and therefore the claims are entitled to benefit of priority to Provisional Application No. 60/426,234. Applicants request that the PTO reconsider this issue and acknowledge the present application's entitlement to benefit of Provisional Application No. 60/426,234. Exemplary support for new claims 237-240 may be found in the '234 application's specification at page 18, lines 17-24.

V. The Rejection of Claims 125 and 126 as Anticipated under 35 U.S.C. § 102(a)

Claims 125 and 126 stand rejected as allegedly anticipated under 35 U.S.C. § 102(a) by Hayashi *et al.*, JP20022355074. In response, Applicants respectfully submit that Hayashi *et al.* does not qualify as prior art under 35 U.S.C. § 102(a) because each of the pending claims are entitled to benefit of priority to the '234 application's filing date, November 13, 2002, as extensively discussed above. As shown on the abstract for Hayashi *et al.*, this reference published on December 10, 2002. As such, Hayashi *et al.* did not publish prior to the effective filing date of claims 125 and 126 and therefore is not prior art under § 102(a) to such claims. Accordingly, Applicants respectfully request that the rejection of claims 125 and 126 be withdrawn.

V. The Rejection of Claims 125, 126, and 129-141 as Obvious under 35 U.S.C. § 103(a)

Claims 125, 126, and 129-141 stand rejected as obvious under 35 U.S.C. § 103(a) as allegedly obvious over Hayashi *et al.* in view of Bennett *et al.*, Dempcy *et al.*, and Simeonov *et al.* The PTO relies upon Hayashi *et al.* as the primary reference to teach 15 contiguous nucleic acids selected from SEQ ID NO: 247. The PTO further argues that the secondary references teach chemical modifications to nucleic acids, such as modified nucleobases, modified linkages, and the like. The PTO thus argues that claims 125, 126, and 129-141 are obvious over the combination of references as a whole.

In response, Applicants respectfully submit that, as discussed above, Hayashi *et al.* is not prior art to the claims of the present application. As such, Hayashi *et al.* cannot be used as part of an obviousness rejection of claims 125, 126, and 129-141. Absent Hayashi *et al.*, the PTO cannot establish *prima facie* obviousness of the invention as claimed since the secondary references fail to teach or suggest, for example, an antisense oligonucleotide

comprising at least 12 contiguous nucleobases of SEQ ID NO:247. Accordingly, Applicants respectfully submit that claims 125, 126, and 129-141 are not obvious over the art of record and respectfully request that the rejection of such claims as obvious under 35 U.S.C. § 103(a) be withdrawn.

V. The Objection to Claims 127 and 128

Claims 127 and 128 stand objected to as drawn to allowable subject matter but depending from a rejected base claim. Applicants believe the objection is moot in view of the foregoing remarks and respectfully request its withdrawal.

V. Conclusion

In light of the above amendments and remarks, the Applicant respectfully requests that the PTO reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at (650) 739-3949, if a telephone call could help resolve any remaining items.

Date: October 26, 2007

Respectfully submitted,



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